

Grace, Pamela

From: Derek Dobratz <dobratz11@gmail.com>
Sent: Tuesday, October 16, 2018 12:10 PM
To: Grace, Pamela
Subject: Re: Follow up from Friday October 12 Phone Conversation about Lead Disclosure Violation with Derek Dobratz

Ms. Pamela Grace,

October 14th, 2018

I am following up with you about our conversation Friday October 12th, 2018. I just want to be clear with the information you provided me. Please correct me if I am wrong with any of the information that I listed below.

I do have some additional follow up questions regarding the Environmental Protection Agencies Investigation into Carl Schneider & Mary Schneider / MLS Holdings LLC Lead Disclosure Violation(s) that I reported to the EPA in July of 2018. I also have many more questions about the rules and regulations of the EPA's Section 1018 Enforcement Policy; these questions will be at the end of this email.

You mentioned that you would be talking to an EPA attorney, please feel free to forward this email document to them.

Listed below are the notes, brief Statements, & key points made from our conversation Friday October 12, 2018 at 1:19pm-2:00pm.
(Call duration: 39 minutes.)

Friday October 12, 2018
Phone Conversation between Derek Dobratz & Pamela Grace EPA

- You stated that Carl Schneider (MLS Holdings LLC) did NOT provide the EPA any copy or document(s) listed or named as a Lead Disclosure Agreement for the Annual Lease Agreement terms between Carl Schneider & Mary Schneider (MLS Holdings LLC) (lessor) and Derek Dobratz (tenant) for the Years: 2013-2014, 2014-2015, 2015-2016, 2016-2017, or 2017-2018.
- You stated: "The EPA statute of limitations for the Lead Disclosure Rule is 5 years." Due to the 5 year statute of limitations the first Lease Agreement for September 23rd 2013- July 2014 between Carl Schneider / MLS Holdings and Derek Dobratz is NOT Enforceable by the EPA; & the EPA is Unable to Pursue a Civil Case for these Lead Disclosure Violations.
- You stated that, "the EPA only pursues Civil Cases that they can "for Sure" win."
- Only one document of a Lead Disclosure Agreement Form was presented / provided to the EPA. Derek Dobratz submitted this Lead Disclosure Document to the EPA. The date on the Lead Disclosure document was dated July 5th, 2013. The Document presented had only one Signature on it, Angela Lehmkuhl.
- The ONLY Signature on the Lead Disclosure Agreement presented to the EPA was signed by Angela Lehmkuhl and was dated July 5th, 2013.

- **The Lease Agreement between Carl Schneider / MLS Holdings LLC and Derek Dobratz for lease terms: September 23rd 2013 - June 30th, 2014 was provided by Carl Schneider and Signed by Mary Schneider.**

(Correction 10/15/18 DD: Derek Dobratz did not provide this copy of the lease agreement to the EPA)

- Carl Schneider did not have nor provide a copy of any Lead Disclosure Agreement(s) to show or present to the EPA.
- You asked me: if I signed a lease agreement for 2013-2014. I said, yes. I stated that there should be one lease that was signed in September 2013, approximately two months after Angela first signed a Lease Agreement on July 1st 2013.
- I stated, "Mary Schneider told me the date for my lease is dated September 23rd, 2013."
- I asked you if there were any Lead Disclosure Agreement forms with My Signature on them? You replied: NO
- I asked you if there were any Lead Disclosure Agreement forms with the Landlords Signature? You replied NO
- You stated that you "needed to look into Disclosure Rule to see if ALL Adults living at the property needed to sign a disclosure agreement or if only one person living in the residence needed to sign the Lead Disclosure Agreement.
- We spoke about how landlords try to get these types of documents signed by their tenants covertly as well as without providing tenants much information about lead hazards.
- I mentioned to you the fact that I was never provided the EPA brochure "Protect Your Family From Lead in Your Home" or any information about lead hazards for this property.
- I asked you, "if the Landlord / Property owner was provided an official letter from the City of Milwaukee stating there was potential risk of lead hazards in the water specifically from the "Lateral Water Lines" leading to the house, would the landlord be required to tell their tenants about the Letter, and or Lead Hazard Risks?" Answer: _____?
- You stated that you were going proceed to contact the State of Wisconsin as well as the Milwaukee Health Department regarding some of my questions I asked you.
- You Stated: "There are many "loop holes" in the system." Many of the property owners and contractors actually know more information about to the "in and outs" of the regulations and policies in order to avoid penalties and / or prosecution.
- I asked you if the Landlord was Required to allow a 10 day inspection of the property to inspect for lead hazards, and that I was never given that opportunity. You replied: "only people buying house are allowed that"

IMPORTANT Question?

Will the EPA be pursuing any Violations Penalties to Carl Schneider or Mary Schneider / MLS Holding LLC for the Violation of the Disclosure Rule that is subject to civil penalties under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 USC § 2615(a). Section 1018(b)(5) of Title X or refuse to enforce the compliance of Section 409 of TSCA, 15 USC § 2689?

YES

NO

Section 1018 – Disclosure Rule Enforcement Response and Penalty Policy

(www.EPA.gov)

The information below is directly from the EPA website.

The Disclosure Rule requires that, before a purchaser or lessee is obligated under any contract to purchase or lease target housing, certain requirements must be met. These requirements include the following:

- Lessors must provide purchasers and lessees with an EPA-approved lead hazard information pamphlet; Sellers and lessors must disclose the presence of any known lead-based paint and/or lead-based paint hazards to the purchasers and lessees and to any agent;
- Lessors must provide purchasers and lessees with any available records or reports pertaining to the presence of lead-based paint and/or lead-based paint hazards in the target housing;
- Lessors must disclose information pertaining to lead-based paint and/or lead based paint hazards as an attachment to a contract to sell target housing or as an attachment or within a contract to lease target housing in accordance with the Disclosure Rule requirements;
- Lessors and agents must retain a copy of each Disclosure Rule statement and certification for at least three years from completion of the transaction; and

Violations

Appendix B Penalty Matrices

Components of Full Disclosure

Circumstance Level:

- Level 1: Seller, Lessor, and Agent Requirement: Failure to provide purchaser or lessee EPA-approved lead hazard information/pamphlet pursuant to **40 CFR § 745.107(a)(1)**
- Level 1: Seller, Lessor, and Agent Requirement: Failure to disclose to purchaser or lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing pursuant to **40 CFR § 745.107(a)(2)**

- Level 1: Seller, Lessor, and Agent Requirement: Failure to provide purchaser or lessee any records or reports available to the seller or lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing pursuant to **40 CFR § 745.107(a)(4)**

Warning Statements

Circumstance Level:

- Level 2: Lessor and Agent Requirement: Failure to include, as an attachment or within the contract to lease target housing, the Lead Warning Statement pursuant to **40 CFR § 745.113(b)(1)**
- Level 3: Lessor and Agent Requirement: Failure to include, as an attachment or within the contract to lease target housing, a statement by the lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards pursuant to **40 CFR § 745.113(b)(2)**

Certification and Acknowledgment

Circumstance Level:

- Level 5: Lessor and Agent Requirement: Failure to include, as an attachment or within a contract to lease target housing, a list of any records or reports available to the lessor that pertain to the presence of any known leadbased paint and/or lead-based paint hazards in the target housing or to indicate that no such records are available pursuant to **40 CFR § 745.113(b)(3)**
- Level 4: Lessor and Agent Requirement: Failure to include, as an attachment or within a contract to lease target housing, a statement by the lessee affirming receipt of the information required by **40 CFR §§745.113(b)(2)** and **(b)(3)** and the lead hazard pamphlet required under **15 USC § 2696** (sic, misprint should read § 2686) as specified in **40 CFR § 745.113(b)(4)**

Failure to Retain Records/Signatures and Dates

Circumstance Level:

- **Level 6:** Lessor and Agent Requirement: Failure to include, as an attachment or within a contract to lease target housing, the signatures of the lessors, agents and lessees certifying to the accuracy of their statements, as well as dates of said signatures, pursuant to **40 CFR § 745.113(b)(6)**
- **Level 6:** Seller, Lessor, and Agent Requirement: Failure to retain a copy of the completed disclosure records for no less than three years from the commencement date of the lease or the completion date of the sale pursuant to **40 CFR § 745.113(c)(1)**

Will any of the Violations that are listed above be enforced by the EPA for this specific case against my Landlord Carl Schneider, Mary Schneider / MLS Holdings LLC?

YES

NO

Appendix B Penalty Matrices **Gravity-Based Penalty Matrix13**

For violations occurring on or after March 15, 2004

The gravity-based penalty, a function of the nature, circumstances, and extent of each violation, is guided by the following matrix.

<u>Circumstance:</u>	Major Extent	Significant Extent	Minor Extent
<u>HIGH</u>			
Level 1	\$11,000	\$7,740	\$2,580
Level 2	\$10,320	\$6,450	\$1,550
<u>MEDIUM</u>			
Level 3	\$7,740	\$5,160	\$770
Level 4	\$5,160	\$3,220	\$520
<u>LOW</u>			
Level 5	\$2,580	\$1,680	\$260
Level 6	\$1,290	\$640	\$130

Question & Answer from the EPA Website:

<https://www.epa.gov/sites/production/files/documents/1018qa.pdf>

What if I'm renting target housing?

Am I required to give the EPA pamphlet Protect Your Family From Lead in Your Home to existing tenants?

No, but when tenants renew their leases, you must give them the pamphlet and any available reports. In other words, you must give them the same information that you are required to provide new tenants.

Must I check my house for lead prior to sale?

No. The rule does not require that a seller conduct or finance an inspection or risk assessment. The seller, however, is required to provide the buyer a 10-day period to test for lead-based paint or lead-based paint hazards.

(NOTE: This information is in the "what if I'm renting target housing section")

Agent Responsibilities

Agents must ensure that:

- ! Sellers and landlords are made aware of their obligations under this rule.
- ! Sellers and landlords disclose the proper information to lessors, buyers, and tenants.
- ! Sellers give purchasers the opportunity to conduct an inspection.

! Lease and sales contracts contain the appropriate notification and disclosure language and proper signatures.

What is the responsibility of an agent if the seller or landlord fails to comply with this rule?

The agent is responsible for informing the seller or lessor of his or her obligations under this rule. In addition, the agent is responsible if the seller or lessor fails to comply. However, an agent is not responsible for information withheld by the seller or lessor.

Purchaser & Renter Rights

As a purchaser, am I required to conduct and finance an inspection?

No. The rule simply ensures that you have the opportunity to test for lead before purchase

If I am renting, do I have the same opportunity to test for lead?

Under the law, the 10-day inspection period is limited to sales transactions, but nothing prevents the renter from negotiating with the lessor to allow time for an inspection before rental.

Section 1018 Questions:

Did Carl Schneider or Mary Schneider / MLS Holdings LLC: Fail to provide Derek Dobratz the EPA-approved lead hazard information/pamphlet pursuant to 40 CFR § 745.107(a)(1) for any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes _____

No _____

Lease term 2014-2015

Yes _____

No _____

Lease term 2015-2016

Yes _____

No _____

Lease term 2016-2017

Yes _____

No _____

Lease term 2017-2018

Yes _____

No _____

Did Carl Schneider or Mary Schneider / MLS Holdings LLC disclose to Derek Dobratz the presence of any known lead-based paint and/or lead-based paint hazards in the target housing pursuant to 40 CFR § 745.107(a)(2) for any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes _____

No _____

Lease term 2014-2015

Yes _____

Mary Schneider or Carl Schneider / MLS Holdings LLC and Derek Dobratz within any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes

No

Lease term 2014-2015

Yes

No

Lease term 2015-2016

Yes

No

Lease term 2016-2017

Yes

No

Lease term 2017-2018

Yes

No

Did Carl Schneider or Mary Schneider / MLS Holdings LLC Fail to include, as an attachment or within the contract to lease target housing, a statement by the lessor, Derek Dobratz, disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 CFR § 745.113(b)(2), on any lease agreement or contract between Mary Schneider or Carl Schneider / MLS Holdings LLC and Derek Dobratz during any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes

No

Lease term 2014-2015

Yes

No

Lease term 2015-2016

Yes

No

Lease term 2016-2017

Yes

No

Lease term 2017-2018

Yes

No

Did Carl Schneider or Mary Schneider / MLS Holdings LLC Fail to include, as an attachment or within a contract to lease target housing, a list of any records or reports available to Derek Dobratz the lessor, that pertain to the presence of any known lead based paint and/or lead-based paint hazards in the target housing or to indicate that no such records are available pursuant to 40 CFR § 745.113(b)(3) on any lease agreement or contract between Mary Schneider or Carl Schneider / MLS Holdings LLC and Derek Dobratz during any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes

No

Lease term 2014-2015

Yes _____

No _____

Lease term 2015-2016

Yes _____

No _____

Lease term 2016-2017

Yes _____

No _____

Lease term 2017-2018

Yes _____

No _____

Did Mary Schneider or Carl Schneider / MLS Holdings LLC Fail to include, as an attachment or within a contract to lease target housing, a statement by the Derek Dobratz affirming receipt of the information required by 40 CFR §§745.113(b)(2) and (b)(3) and the lead hazard pamphlet required under 15 USC § 2696 (sic, misprint should read § 2686) as specified in 40 CFR § 745.113(b)(4), on any lease agreement or contract between Mary Schneider or Carl Schneider / MLS Holdings LLC and Derek Dobratz during any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes _____

No _____

Lease term 2014-2015

Yes _____

No _____

Lease term 2015-2016

Yes _____

No _____

Lease term 2016-2017

Yes _____

No _____

Lease term 2017-2018

Yes _____

No _____

Did Carl Schneider or Mary Schneider Fail to include, as an attachment or within a contract to lease target housing, the signatures of the Carl Schneider and / or Mary Schneider and Derek Dobratz certifying to the accuracy of their statements, as well as dates of said signatures, pursuant to 40 CFR § 745.113(b)(6), on any lease agreement or contract between Mary Schneider or Carl Schneider / MLS Holdings LLC and Derek Dobratz during any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes _____

No _____

Lease term 2014-2015

Yes _____

No _____

Lease term 2015-2016

Yes _____

No _____

Lease term 2016-2017

Yes _____

No _____

Lease term 2017-2018

Yes _____

No _____

Did Mary Schneider or Carl Schneider / MLS Holdings LLC Fail to retain a copy of the completed disclosure records for no less than three years from the commencement date of the lease or the completion date of the sale pursuant to 40 CFR § 745.113(c)(1), on any lease agreement or contract between Mary Schneider or Carl Schneider / MLS Holdings LLC and Derek Dobratz during any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes _____

No _____

Lease term 2014-2015

Yes _____

No _____

Lease term 2015-2016

Yes _____

No _____

Lease term 2016-2017

Yes _____

No _____

Lease term 2017-2018

Yes _____

No _____

Additional Questions:

Did the EPA do a full and complete investigation into the Disclosure Rule Violation(s) requested by Derek Dobratz against Mary Schneider & Carl Schneider of MLS Holdings LLC?

Yes _____

No _____

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if they provided Derek Dobratz or Angela Lehmkuhl the EPA approved Brochure providing them information "Protect Your Family From Lead in Your Home"?

Yes _____

No _____

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if Derek Dobratz signed a lead disclosure agreement?

Yes _____

No _____

Did the EPA receive any or all of the Lease Agreements for the property located at 5615 W. Lloyd St. Milwaukee, WI 53208 between Carl Schneider, Mary Schneider / (MLS Holdings LLC) and Derek Dobratz; for the years 2013-2014, 2014-2015, 2014-2015, 2015-2016, 2016-2017, & 2017-2018?

Yes

No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if they knew that there was a pregnant woman living on the property located at 5615 W. Lloyd St. Milwaukee, WI 53208 as of January 2015?

Yes

No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if they knew there was a child under the age of 6 living on the property located at 5615 W. Lloyd St. Milwaukee, WI 53208?

Yes

No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if they had ever read or acquired any knowledge or literature about the hazards of Home Lead Hazards during any of the years they managed rental properties between 2002 through 2018?

Yes

No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if they had ever read the EPA approved brochure pamphlet "Protect Your Family From Lead in Your Home"?

Yes

No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if they had ever distributed the EPA approved brochure pamphlet "Protect Your Family From Lead in Your Home" to any of their tenants past or present?

Yes

No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if they KNEW about any lead hazards on the property located at 5615 W. Lloyd St. Milwaukee, WI 53208?

Yes

No

Did the EPA verbally or through written communication ask any current or previous tenant of MLS Holdings LLC if they were provided an EPA approved informative brochure about potential Lead Hazards on this rental property, specifically the brochure "Protect Your Family From Lead in Your Home"?

Yes

No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if there were any reports of known Lead Hazards on the Property?

Yes
No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if they ever Personally or had the property Professionally tested for lead hazards specifically the Flaking Paint on the property located at 5615 W. Lloyd St. Milwaukee, WI 53208?

Yes
No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if there was ever a Risk Assessment Performed on the property located at 5615 W. Lloyd St. Milwaukee, WI 53208?

Yes
No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if at any point did the City of Milwaukee Perform an Inspection for either the interior or exterior of the property between 2002 through 2018?

Yes
No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if a risk assessment or visual inspection for potential health risks was ever performed on the property or at anytime during there ownership of the property located at 5615 W. Lloyd St. Milwaukee, WI 53208?

Yes
No

Did the EPA verbally or through written communication ask Mary Schneider or Carl Schneider if they personally inspected the property after Derek Dobratz reported the discovering flaking lead paint hazards on the balcony and balcony door on the property located at 5615 W. Lloyd St. Milwaukee, WI 53208?

Yes
No

Did the EPA verbally or through written communication ask Carl Schneider if he was the Primary Maintenance person for the property located at 5615 W. Lloyd St. Milwaukee, WI 53208?

Yes
No

Did the EPA verbally or through written communication ask Carl Schneider for any maintenance reports or records for the property located at 5615 W. Lloyd St. Milwaukee, WI 53208?

Yes
No

Did the EPA verbally or through written communication ask Carl Schneider what his profession was, or he did for work?

Yes
No

Did the EPA verbally or through written communication ask Carl Schneider if he was a Lead Certified Contractor?

Yes

No

Did the EPA verbally or through written communication call or contact the Milwaukee Health department to obtain any documents pertaining to this specific Lead Disclosure Violation case?

Yes

No

Did the EPA verbally or through written communication, call or contact the Milwaukee Department of Neighborhood Services to obtain any documents about code violations reported on the property?

Yes

No

Did the EPA ever contact the Milwaukee Department of Neighborhood Services inspector and ask them if the work performed was in compliance with EPA regulations.

Yes

No

Was work order that was requested and authorized by the City of Milwaukee to be performed on the property located at 5615 W. Lloyd St. Milwaukee, WI 53208 during the months of May 2018 through July 2018 completed by a certified contractor?

Yes

No

Did the EPA conduct physical or electronic audit of the property records for Mary Schneider or Carl Schneider / MLS Holding LLC?

Yes

No

Did the EPA find any visual discrepancies of dates or signatures on any documents, records, reports, lease agreements that Mary Schneider or Carl Schneider / MLS Holdings provided or presented to the EPA?

Yes

No

Did the EPA find any discrepancies on any documents, records, reports, and or lease agreements that Derek Dobratz provided to the EPA?

Yes

No

Do any of these specific Section 1018 Violations: 40 CFR § 745.107(a)(1); 40 CFR § 745.107(a)(2); 40 CFR § 745.107(a)(4); 40 CFR § 745.113(b)(1); 40 CFR § 745.113(b)(2); 40 CFR § 745.113(b)(3); 40 CFR §§745.113(b)(2) and (b)(3); 40 CFR § 745.113(b)(4); 40 CFR § 745.113(b)(6); 40 CFR § 745.113(c)(1) warrant an enforceable action or penalty by the EPA regarding the Lead Disclosure Violation investigation that Derek Dobratz brought to the EPA's attention for his lease agreement(s) with Carl Schneider, Mary Schneider, MLS Holdings LLC for the years 2013, 2014, 2015, 2016, Or 2017?

Yes

No

Are landlords or agents required to provide current tenants the EPA approved brochure "Protect Your Family From Lead in Your Home" whenever a NEW lease agreement is signed?

(This question relates to information presented on the official EPA.gov website.)

Yes

No

I truly apologize for this extremely long email. I hope this additional information will help to bring the EPA's investigation on this matter to a verified conclusion.

Thank you for your time.

Sincerely,

Derek D. Dobratz
8632 Augusta Circle
Anchorage, AK 99504
(414) 630-3013
dobratz11@gmail.com

On Mon, Oct 15, 2018 at 12:12 AM Derek Dobratz <dobratz11@gmail.com> wrote:

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Failure to Retain Records/Signatures and Dates

Circumstance Level:

○ **Level 6:** Lessor and Agent Requirement: Failure to include, as an attachment or within a contract to lease target housing, the signatures of the lessors, agents and lessees certifying to the accuracy of their statements, as well as dates of said signatures, pursuant to **40 CFR § 745.113(b)(6)**

○ **Level 6:** Seller, Lessor, and Agent Requirement: Failure to retain a copy of the completed disclosure records for no less than three years from the commencement date of the lease or the completion date of the sale pursuant to **40 CFR § 745.113(c)(1)**

Will any of the Violations that are listed above be enforced by the EPA for this specific case against my Landlord Carl Schneider, Mary Schneider / MLS Holdings LLC?

YES

NO

Appendix B Penalty Matrices
Gravity-Based Penalty Matrix13

For violations occurring on or after March 15, 2004

The gravity-based penalty, a function of the nature, circumstances, and extent of each violation, is guided by the following matrix.

<u>Circumstance:</u>	Major Extent	Significant Extent	Minor Extent
<u>HIGH</u>			
Level 1	\$11,000	\$7,740	\$2,580
Level 2	\$10,320	\$6,450	\$1,550
<u>MEDIUM</u>			
Level 3	\$7,740	\$5,160	\$770
Level 4	\$5,160	\$3,220	\$520
<u>LOW</u>			
Level 5	\$2,580	\$1,680	\$260
Level 6	\$1,290	\$640	\$130

Question & Answer from the EPA Website:

<https://www.epa.gov/sites/production/files/documents/1018qa.pdf>

What if I'm renting target housing?

Am I required to give the EPA pamphlet Protect Your Family From Lead in Your Home to existing tenants?

No, but when tenants renew their leases, you must give them the pamphlet and any available reports. In other words, you must give them the same information that you are required to provide new tenants.

Must I check my house for lead prior to sale?

No. The rule does not require that a seller conduct or finance an inspection or risk assessment. The seller, however, is required to provide the buyer a 10-day period to test for lead-based paint or lead-based paint hazards.

(NOTE: This information is in the "what if I'm renting target housing section")

Agent Responsibilities

Agents must ensure that:

- ! Sellers and landlords are made aware of their obligations under this rule.
- ! Sellers and landlords disclose the proper information to lessors, buyers, and tenants.
- ! Sellers give purchasers the opportunity to conduct an inspection.
- ! Lease and sales contracts contain the appropriate notification and disclosure language and proper signatures.

What is the responsibility of an agent if the seller or landlord fails to comply with this rule?

The agent is responsible for informing the seller or lessor of his or her obligations under this rule. In addition, the agent is responsible if the seller or lessor fails to comply. However, an agent is not responsible for information withheld by the seller or lessor.

Purchaser & Renter Rights

As a purchaser, am I required to conduct and finance an inspection?

No. The rule simply ensures that you have the opportunity to test for lead before purchase

If I am renting, do I have the same opportunity to test for lead?

Under the law, the 10-day inspection period is limited to sales transactions, but nothing prevents the renter from negotiating with the lessor to allow time for an inspection before rental.

Section 1018 Questions:

Did Carl Schneider or Mary Schneider / MLS Holdings LLC: Fail to provide Derek Dobratz the EPA-approved lead hazard information/pamphlet pursuant to 40 CFR § 745.107(a)(1) for any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes _____

No _____

Lease term 2014-2015

Yes _____

No _____

Lease term 2015-2016

Yes _____

No _____

Lease term 2016-2017

Yes _____

No _____

Lease term 2017-2018

Yes _____

No _____

Did Carl Schneider or Mary Schneider / MLS Holdings LLC disclose to Derek Dobratz the presence of any known lead-based paint and/or lead-based paint hazards in the target housing pursuant to 40 CFR § 745.107(a)(2) for any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes

No

Lease term 2014-2015

Yes

No

Lease term 2015-2016

Yes

No

Lease term 2016-2017

Yes

No

Lease term 2017-2018

Yes

No

Did Carl Schneider or Mary Schneider / MLS Holdings LLC Fail to provide Derek Dobratz any records or reports available to Mary Schneider or Carl Schneider / MLS Holdings LLC pertaining to lead-based paint and/or lead-based paint hazards in the target housing pursuant to 40 CFR § 745.107(a)(4)?

Yes

No

Did Carl Schneider or Mary Schneider / MLS Holdings LLC Fail to provide Derek Dobratz any records or reports available to Mary Schneider or Carl Schneider / MLS Holdings LLC pertaining to lead-based paint and/or lead-based paint hazards in the target housing pursuant to 40 CFR § 745.107(a)(4) for any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes

No

Lease term 2014-2015

Yes

No

Lease term 2015-2016

Yes

No

Lease term 2016-2017

Yes

No

Lease term 2017-2018

Yes

No

Did Carl Schneider or Mary Schneider / MLS Holdings LLC Fail to include, as an attachment or within the contract to lease target housing, the Lead Warning Statement pursuant to 40 CFR § 745.113(b)(1), with any lease agreement between Mary Schneider or Carl Schneider / MLS Holdings LLC and Derek Dobratz within any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes

No

Lease term 2014-2015

Yes

No

Lease term 2015-2016

Yes

No

Lease term 2016-2017

Yes

No

Lease term 2017-2018

Yes

No

Did Carl Schneider or Mary Schneider / MLS Holdings LLC Fail to include, as an attachment or within the contract to lease target housing, a statement by the lessor, Derek Dobratz, disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 CFR § 745.113(b)(2), on any lease agreement or contract between Mary Schneider or Carl Schneider / MLS Holdings LLC and Derek Dobratz during any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes

No

Lease term 2014-2015

Yes

No

Lease term 2015-2016

Yes

No

Lease term 2016-2017

Yes

No

Lease term 2017-2018

Yes

No

Did Carl Schneider or Mary Schneider / MLS Holdings LLC Fail to include, as an attachment or within a contract to lease target housing, a list of any records or reports available to Derek Dobratz the lessor, that pertain to the presence of any known lead based paint and/or lead-based paint hazards in the target housing or to indicate that no such records are available pursuant to 40 CFR § 745.113(b)(3) on any lease agreement or contract between Mary Schneider or Carl Schneider / MLS Holdings LLC and Derek Dobratz during any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes _____

No _____

Lease term 2014-2015

Yes _____

No _____

Lease term 2015-2016

Yes _____

No _____

Lease term 2016-2017

Yes _____

No _____

Lease term 2017-2018

Yes _____

No _____

Did Mary Schneider or Carl Schneider / MLS Holdings LLC Fail to include, as an attachment or within a contract to lease target housing, a statement by the Derek Dobratz affirming receipt of the information required by 40 CFR §§745.113(b)(2) and (b)(3) and the lead hazard pamphlet required under 15 USC § 2696 (sic, misprint should read § 2686) as specified in 40 CFR § 745.113(b)(4), on any lease agreement or contract between Mary Schneider or Carl Schneider / MLS Holdings LLC and Derek Dobratz during any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes _____

No _____

Lease term 2014-2015

Yes _____

No _____

Lease term 2015-2016

Yes _____

No _____

Lease term 2016-2017

Yes _____

No _____

Lease term 2017-2018

Yes _____

No _____

Did Carl Schneider or Mary Schneider Fail to include, as an attachment or within a contract to lease target housing, the signatures of the Carl Schneider and / or Mary Schneider and Derek Dobratz certifying to the accuracy of their statements, as well as dates of said signatures, pursuant to 40 CFR § 745.113(b)(6), on any lease agreement or contract between Mary Schneider or Carl Schneider / MLS Holdings LLC and Derek Dobratz during any of the following annual lease agreement(s) or term(s)?

Lease term 2013-2014

Yes _____

No _____

Lease term 2014-2015

Yes _____

No _____

Lease term 2015-2016

Yes

No

Lease term 2016-2017

Yes

No

Lease term 2017-2018

Yes

No

Did Mary Schneider or Carl Schneider / MLS Holdings LLC Fail to retain a copy of the completed disclosure records for no less than three years from the commencement date of the lease or the completion date of the sale pursuant to 40 CFR § 745.113(c)(1), on any lease agreement

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Derek Dobratz